

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jacob Richter et al. **Confirmation No.:** 1194
Serial No.: 09/864,389 **Group Art Unit:** 3773
Filed: May 25, 2001 **Examiner:** Bui, Vy Q.
Title: LONGITUDINALLY FLEXIBLE STENT

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(C)
TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Medinol Ltd., having a business address at P.O. Box 58165, Kiryat Atidim, Building 7, Tel Aviv ISRAEL 61581 is the owner of the entire right, title, and interest in the instant application hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of the following prior patents:

- U.S. Patent No. 6,723,119
- U.S. Patent No. 7,141,062
- U.S. Patent No. 7,772,658
- Allowed U.S. Patent Application No. 10/757,805 (patent number pending)

as the respective terms of said prior patents are defined in 35 U.S.C. 154 and 173, and as the terms of said prior patents are presently shortened by any terminal disclaimer.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the terms of said prior patents are presently shortened by any terminal disclaimer," in the event that any one or more of said prior patents later:

- expires for failure to pay a maintenance fee;
- are held unenforceable;
- are found invalid by a court of competent jurisdiction;
- are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- have all claims canceled by a reexamination certificate;
- are reissued; or
- are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 C.F.R. §1.20(d) is included. The owner submits a single terminal disclaimer based on common ownership of the prior patents listed above, pursuant to MPEP §804.02 [IV]

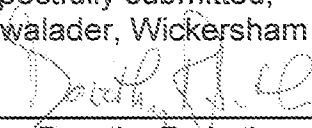
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Terminal Disclaimer to Deposit Account No. 50-4387, Order No. 92077.003.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-4387, Order No. 92077.003.

Respectfully submitted,
Cadwalader, Wickersham & Taft LLP

Dated: June 15, 2010

By: 
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